C.S.100/ SINGLE BENCH

3

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.No. 4640 /2005

PETITIONER : Chandrahas Dubey
S/o. Late Shri Kriparam Dubey
aged about 44 years
R/o. Fingeshwar Main Road
Rajim, Tahsil Rajim, District
Raipur (C.G.)

P.R. No. 4930/05
Presented by Shri Deepak Pandey
dated 21/9/05

VERSUS

RESPONDENTS : 1. State of Chhattisgarh
Through : Secretary
Department of Revenue
Mantralaya, D.K.S. Bhawan
Raipur (C.G.)

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2. The Collector,
District Raipur,
Office of Collector, District
Raipur (C.G.)

3. Tahsildar, Rajim,
Tahsil Rajim, District Raipur
(C.G.)

शपथ आयुक्त, बिलासपुर (छ.ग.)

WRIT PETITION U/A 226/227 OF THE CONSTITUTION OF INDIA

1. **PARTICULARS OF THE PETITIONER**

As given in the cause title.

2. **PARTICULARS OF THE RESPONDENTS**

As given in the cause title.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... W.P. 4640/ ..... **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

28-9-2005

Miss Deepali Pandey, counsel for the petitioner.

Mr. Yashwant Singh Thakur, Govt. Advocate for the State/ respondents.

Heard both the counsel or admission.

The petitioner has preferred this writ petition under Article 226/ 227 of the Constitution of India, questioning the legality and propriety of the order dated 28-3-2005 (Annexure P-1) passed by the Secretary, Department of Revenue, Government of Chhattisgarh, whereby the Secretary fixed the premium amount, fine amount and annual letting value for the Nazul land Khasra No.303 rakba 0.129 hectares.

The main grievance of the petitioner is that the premium amount and annual letting value have been fixed arbitrarily without taking into consideration the area of the land and guidelines fixed by the Revenue Book Circular. Even though, the petitioner has deposited the amount, which was legally leviable, however, for the other amount the petitioner made a representation before the Secretary and that representation is not being decided which may lead to cancellation of the lease. Therefore, the authority was required to decide the representation and intimate the decision thereon to the petitioner.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... W.P.4640/ ..... **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक या आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Learned counsel for the petitioner submits that the limited prayer in this writ petition is that the Secretary, Department of Revenue, may be directed to decide the representation considering the Revenue Book Circular, to which learned Govt. Advocate for the State/respondents has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the Secretary (respondent No.1) is directed to decide the representation of the petitioner after considering the points raised by him, within a period of 15 days from today, in accordance with law. The respondents should not cancel the lease of the petitioner, till the decision is rendered by the Secretary and thereafter, one week more time ~~thereafter~~ is allowed to the petitioner to take action in accordance with that decision.

With the above directions, the writ petition stands disposed of, at the admission stage itself.

Consequently, M.(W.)P.No.3766/2005 & I.A.No.8355/2005 also stand disposed of.

Certified copy today.

Sd/-
L.C. Bhadoo
Judge